



**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
October 5, 2010  
\*\*FINAL COPY\*\***

**PRESENT:** Jack Dearborn, Chairman; Forrest Esenwine, Member; Malcolm Wright, Alternate; Neal Kurk, Alternate; Elwood Stagakis, Alternate; Chip Meany, Code Enforcement Officer; Sheila Savaria, Recording Secretary

**GUESTS:** Ginger Esenwine, Jerry Haynes, Matt Shapiro, Charles Cleary, Bill Wilcox, Bob Rooks, Douglas Graves, Mary Graves, Mike Dahlberg

**I. INTRODUCTION:**

Chairman Dearborn called this meeting to order at 7:30 PM and asked the board members present to introduce themselves.

**II. ADMINISTRATIVE ITEMS:**

Chairman Dearborn appointed all members present as voting members.

**III. PUBLIC HEARINGS:**

Case #2504 Bob Bailey – Requesting a one year extension for a driveway variance.

Forrest Esenwine moved to grant the extension for one year; Malcolm Wright seconded, all voted in favor. The extension is granted until October 6, 2011.

Case #0810 21 B&B Lane, LLC - continued  
Special Exception Article 29, section 10  
The applicant is requesting special exception for the requirement for  
“use in an Aquifer Protection Overlay”  
Tax Map 411-194 21 B&B Lane

Jack Dearborn stepped down as Chairman for this case; Forrest Esenwine took the position as acting Chairman. Mr. Esenwine told Charles Cleary, the attorney representing the case, that there are only 4 voting members instead of the usual 5, and that at least 3 votes are needed to pass a motion. They chose to continue with the case. Mr. Cleary discussed the sound survey that was conducted at 6 different sites close to Mr. Haynes property. There was a concern that there may be a nuisance based on noise, but the sound survey did not reveal a nuisance level, and all of the test sites fell within the 60-70 decibel rating. Neal Kurk asked Wilcox and Barton what a reasonable level should be, Bob Rooks responded 60-65 decibels for residences. There was a discussion on ways to reduce sound levels using buffers, and other ways to absorb the sound. Mr. Cleary also stated that they were seeking a special exception under the aquifer protection ordinance, and the ZBA only needs to determine if they meet the special exceptions for the ordinance. In addition, Mr. Cleary says there will be no discharge of wastewater, other than what is typical, and the use the applicant is asking for complies with all other requirements.

Roger Keilig spoke about the sampling of the water well testing that was conducted and found not to have any impact on surrounding properties. He goes on to say there are no standards for tannin, so 0.2mg/L, is what is being considered acceptable and is not considered a health risk. In regards to the review of permits, Mr. Keilig met with DES and determined they don't need an alteration of terrain permit. This site falls under EPA multi-sector permit, which involves discharges from various types of facilities. This facility is a sub sector A1 facility,

so the EPA requires monitoring for total suspended solids (tss) and chemical oxygen demand, as well as an implementation of best management practices for treating runoff.

Bob Rooks, from Wilcox & Barton, the Town's representative, explains that there are two types of water standards, drinking and surface. Mr. Brooks feels the plan presented will take tannins out of the water, and the vegetative swale will keep polluted surface runoff away from the wells so they don't get polluted.

Approving Abutters:

Matthew Shapiro feels the sound levels shouldn't be an issue since the business is in an industrial zone. He also discusses the possibility of having hours of operation, and feels it would hurt the business because it is sometimes necessary for him to leave early in the morning with his trucks.

Disapproving Abutters: Jack Dearborn first discussed the treatment of water. He says there is no absorption from this property, and has yet to hear discussion on how a treatment plan would be designed. Also, he is concerned that the retention pond won't be adequately designed for the heavy amounts of water we often receive. In regards to noise, Mr. Dearborn agrees that foliage will help with the sound problem, but when the tree cover is lost, there is a higher propagation because noise travels by wind and atmosphere. The main points Mr. Dearborn is asking the board to consider is that 1. The water needs to be treated appropriately for the amount of rain we receive. 2. Reasonable hours of operation 3. Muffling or reflectors to lessen the noise produced by the business. Forrest Esenwine closed the hearing at 9:36 pm.

Discussion: Acting Chairman Esenwine stated that the board's responsibility is to determine if this project is a proper operation in an industrial zone, and therefore qualifies for a special exception, and if so, what exceptions, limits, and requirements are mandated pertaining to the granting. How they are achieved and the required plans necessary for approval is the jurisdiction of the town Planning Board.

Forrest Esenwine moved to grant a special exception for the wood mulch operation with the following requirements met:

1. Permanent sound attenuation buffers be installed on the north boundary of the property and the abutting property of Mr. Graves.
2. There must be a system for filtering water runoff to decrease pollution and contamination, and control and/or eliminate tannins
3. A drainage system for excess water be installed so it does not flood and create problems down the street due to heavy and unexpected rain or snow.
4. Reasonable operating hours
5. Based on the foregoing, the Zoning Board of Adjustment finds that the proposed use will not detrimentally affect 29.10.1, and further, that the proposed use will not cause a significant reduction in long term volume, 29.10.2, and further, that the proposed use will discharge no wastewater etc, 29.10.3, and further, that the proposed use will comply with all applicable sections of this ordinance, specifically sections 3.2, 25.6.2, 25.7, 29.7.2.

Neal Kurk seconded the motion, all voted in favor. The special exception was granted with the above stated stipulations.

Jack Dearborn assumed his position at Chairman.

**IV. OTHER BUSINESS:**

Minutes: Minutes will be discussed at the next meeting.

Elwood Stagakis discussed with the board that he is unhappy that the applicants are allowed to present documents at the meeting, and feels he does not have adequate time to review them.

**V.     ADJOURNMENT:**

As there was no further business to come before the board, Forrest Esenwine moved to adjourn the meeting at 10:10 pm; Neal Kurk seconded the motion, all in favor.

Respectfully submitted,

Sheila R. Savaria,  
Recording Secretary